

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

Custer School District

Accountability Review - Focus Monitoring Report 2007-2008

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Dates of On Site Visit: April 23-24, 2008

Date of Report: May 7, 2008

Date of Report

3 month update due:	August 7, 2008	Date Received:
6 month update due:	November 7, 2008	Date Received:
9 month update due:	February 7, 2008	Date Received:
Closed:		

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. FAPE in the LRE – Performance Indicator

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Annual Performance Report Activity – Conduct an accommodation study to verify IEP teams are providing instructional accommodations if they are also providing those accommodation on statewide assessments.

Finding:

Through a review of 19 student files, data gathered by the review team indicated the following:

1. The accommodations/modifications were appropriated for the skill areas affected by the disability in 11 of the 14 files reviewed.
2. The accommodations/modification provided for State/District wide assessments were provided in the student's instructional program in 12 of the 14 files reviewed.
3. The accommodations identified in the IEPs for State/District wide assessment were used during the assessment administration in 9 of 14 files reviewed.

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. 5. Analyze data collected to determine if procedures corrected discrepancy. Repeat steps 1 through 5 if discrepancies continue. Progress Report data to be submitted to SEP: 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the name of all participants/position titles, who attended the training.	Activity # 1&2 Within 1 week of receiving report Activity #3 By February 15, 2008 Activity #4 By 6 month progress report due date. Activity #5 By 6 month progress report due date.	District Administration & District Staff	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2.GENERAL SUPERVISION

ARSD 24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

- (1) Review existing evaluation data on the child, including:

- (a) Evaluations and information provided by the parents of the child;
- (b) Current classroom-based local or state assessments and observations; and
- (c) Observations by teachers and related services providers; and

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

- (a) Whether the student has a particular category of disability as described in this article;
- (b) The present levels of performance and educational needs of the student; and
- (c) Whether the student needs special education and related services.

The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

ARSD 24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

ARSD 24:05:24.01:03. Autism defined. Autism is a developmental disability that significantly affects verbal and nonverbal communication and social interaction and results in adverse effects on the student's educational performance.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if the student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined under Part B of Individuals with Disabilities Education Act.

Findings:

Through a review of student files, there was no evidence of parent input into the evaluation process for 4 students.

1. Student 15 was evaluated at Children's Care Rehabilitation and Developmental Center, Rapid City, SD on 4-02-08. The Axis I diagnosis for this student was (a) Asperger's Disorder (Mild), and, (b) Anxiety Disorder NOS. When the student's IEP team met, they placed the student under the Autism category. The Children's Care Center evaluation results did not indicate the

student met the criteria as having a qualitative impairment in communication or restricted repetitive and stereotyped patterns of behavior, interests, and activities.

2. Students 1 and 17 are identified as students eligible in the area of Other Health Impaired. The scores from the evaluation do not support eligibility for Other Health Impaired. The team was unable to validate educational impact for these students.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The state will provide professional development for all district special education staff in the area of parent input into the evaluation, evaluation and determining eligibility.</p> <p>The district will meet to specifically address students 1, 15 and 17 disabilities. The district will give prior notice for a meeting to re-determine eligibility and document educational impact for these students. The information will be documented on the MDT report.</p> <p>Data Collection: The district will submit an agenda for professional development activities, a list of those in attendance, dates and time.</p> <p>The district will send to the SEP office the MDT for students 1,15, and 17 for correct placement.</p> <p>The district will send to the SEP 1 initial or re-evaluation from each special education teacher containing all information from prior notice to evaluation, and determination of eligibility.</p>	May 08 Ongoing	State and District	

3.General Supervision

ARSD 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

(a) Are used for the purposes for which the assessments or measures are valid and reliable; and

(b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;

(4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
 - (i) To be involved in and progress in the general education curriculum; or
 - (ii) For a preschool child, to participate in appropriate activities;

(6) Technically sound instruments, assessment tools, and strategies are used that:

(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b) Provide relevant information that directly assists persons in determining the educational needs of the child;

(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.

Findings:

Through file reviews the team concluded evaluations are not always comprehensive. Two students identified with cognitive delays did not have a social evaluation completed. Functional evaluations lack skill specific information. Four files reviewed used information from the WIAT II for functional skills. The same instrument was used for eligibility.

Present levels:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The district will complete the permission to evaluate on each student needing an evaluation and the team will decide what evaluations are needed. This must be a comprehensive evaluation for determining eligibility for special education in South Dakota including need for related services. All areas of suspected disability must be evaluated. Functional assessments will be administered to gain skill specific information for development of the IEP.</p> <p>Data Collection: A copy of one new IEP (initial or reevaluation) from each special education teacher will be sent to Special Education Programs.</p>	May 08 and Ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

ARSD 24:05:25:06. Reevaluations. Reevaluations shall be conducted at least every three years or if conditions warrant or if the child's parent or teacher requests an evaluation. Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents. Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

(1) Determining whether the child continues to have a disability;

(2) Determining whether the child continues to need special education and related services; and

(3) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

If no additional data are needed to determine continuing eligibility, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of services under this article, to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE.

Findings:

1. Through file reviews the team identified two students who did not meet the timelines for reevaluation. One student's last evaluation was completed on 10-11-07 and the eligibility determination meeting was held on 12-11-07. Another student's evaluation was completed in 2006 and permission was in 2007. The timelines for this student did not correlate.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Custer will have a process in place for meeting timelines for evaluation reports, determination of eligibility and conducting an IEP team meeting. Data Collection: The district will submit to SEP the process for ensuring all timelines are met for every student.	May 08 and ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Custer will reevaluate all students when their 3 year reevaluations are due according to the timelines. Data Collection: Custer will report to the Special Education Program the number of students having reevaluations and the number that met the timelines for each reporting period.	May 2008 ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

5.GENERAL SUPERVISION

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

- (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
- (b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

- (a) The student cannot participate in the regular assessment; and
- (b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

- (9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

(2) In the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's individualized education program;

(3) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

(4) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(5) Consider whether the student requires assistive technology devices and services.

The regular education teacher of a student with a disability, as a member of the individualized education program team, must, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including the determination of appropriate positive behavioral interventions and supports and other strategies for the student and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student consistent with subdivision 24:05:27:01.03(3).

Nothing in this section requires the team to include information under one component of a student's individualized education program that is already contained under another component of the student's individualized education program. No additional information may be required to be included in a student's IEP beyond what is explicitly required in this section.

Finding:

Through a review of student records the team identified students present levels of academic achievement and functional performance (PLAAFPs) do not consistently include skill specific

information to develop an IEP. The PLAAFPs do not consistently state how the disability affects involvement in the regular education classroom. Parent input into the PLAAFPs was not seen in 4 files. The PLAAFPs do not consistently address the areas of eligibility. One student qualified for written expression and the PLAAFPs addressed reading and math. The PLAAFPs did not address written expression for this student. Another student qualifies as a student with Other Health Impairment. There is nothing in the PLAAFPs about the behaviors, or how they are affecting the student. Annual goals are not skill specific as to what the student can accomplish within a 12 month period. They do not always include criteria, condition and performance.

For example:

1. ____ will achieve a score of at least 80% on 5 of 6 writing assignments as measured by the teacher. Using correct spelling, grammar and writing complete sentences.
2. In a classroom setting, ____ will use appropriate social skills and exhibit on-task behavior in classrooms in order to complete homework assignments with 90% accuracy over a semester.
3. Given a writing assignment at grade level, ____ will receive a score of 80% on 4 of 6 trails as measured by the teacher.

On the consideration of special factors under the heading of "does student's general classroom behaviors/impede learning"? If the box is checked, the behaviors are listed, not the strategies to help the student. Three students with behavior concerns in the PLAAFPs and students with ADD and ADHD did not have behaviors impedes learning checked and did not address the behaviors.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The state will provide professional development for all district staff in the area of IEP development including present levels of academic achievement and functional performance, goals, special factors, accommodations, and least restrictive environment.</p> <p>The district will review all new IEP files to ensure the required content is included, including present levels of performance, goals, Special factors and accommodations individualized for each student.</p> <p>Data Collection: A copy of 1 IEP from each special education teacher will be sent to the SEP for verification of content.</p>	May 08 ongoing	State and District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

6. GENERAL SUPERVISION

ARSD 24:05:28:02. Continuum of alternative placements. Alternative placements which must be made available include the following:

- (1) Regular educational programs with modification;
- (2) Resource rooms;
- (3) Self-contained programs;
- (4) Separate day school programs;
- (5) Residential school programs;
- (6) Home and hospital programs; and
- (7) Other settings.

For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs of the child. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable.

Finding:

Through a review of student records the team concluded Custer does not consistently use a continuum of alternative placements. The accept reject format was not used in some files reviewed. The description of special education to be provided was not completed in all files. There was not a breakdown of services provided. Justification statements are very vague and do not address the reason for the placement.

For example:

1. "___ is receiving mostly "inclusive" special education assistance in classes. A paraprofessional and a special education teacher are available to assist ___ in math and English/writing."
2. "100 is accepted because ___ only needs to be removed from the regular classroom 30 minutes per week to address articulation."
3. "___will receive small/1 on 1 instruction that is necessary for___ to progress."
4. "The team feels___is able to succeed in the regular education setting with modifications."

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Custer School District will address the continuum of alternative placement, special education and related services to be provided, participation with non-disabled peers, program options, and justification for placement and possible harmful effects of the proposed plan for all students. Data Collection: A copy of one IEP from each special education teacher will be sent to Special Education Programs.	May 08 and ongoing	Custer District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

7. GENERAL SUPERVISION

ARSD 24:05:30:05. Content of notice. The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;

(2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;

(3) A description of any other factors which are relevant to the district's proposal or refusal;

(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

(5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Findings:

Through a review of student records the team found 2 student's ability scores were pulled forward to determine eligibility; however there was no documentation on the prior notice the scores would be used. One student was given the BASC, Conners, PPVT, and CELF 4 with no parent permission obtained.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Custer District will ensure all students to be evaluated will have a prior notice completed containing all required content. Data Collection: Custer District will submit to Special Education Programs 1 copy of a prior notice for an initial or reevaluation from each special education teacher to ensure correct content.	May 08 and ongoing	Custer District	